

House Bill 404

By: Representatives Powell of the 29th and Rice of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
2 as to provide a new definition for a taxicab and a limousine; to provide for a new Code
3 section related to the registration and licensing of taxicabs and limousines; to provide for
4 related matters; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
9 in Code Section 40-1-1, relating to general definitions, by adding new paragraphs to read as
10 follows:

11 "(24.1) 'Limousine' has the same meaning as provided in Code Section 46-7-85.1."

12 "(63.1) 'Taxicab' means a motor common carrier for hire which conveys passengers
13 between locations of their choice and is a mode of public transportation for a single
14 passenger, or small group for a fee. Such term shall also mean taxi or cab, but not a
15 limousine."

16 **SECTION 2.**

17 Said title is further amended in Code Section 40-2-137, relating to definitions for
18 administration and enforcement of registration and licensing of motor vehicles, by revising
19 said Code section as follows:

20 "40-2-137.

21 (a) As used in this Code section, the term:

22 (1) 'Commercial vehicle policy' means a policy of motor vehicle liability insurance
23 insuring a motor vehicle that is rated or insured as a business use or commercial use
24 vehicle or is licensed by the state as a commercial vehicle.

(2) 'Fleet policy' means a commercial vehicle policy that insures two or more vehicles that are not identified individually by vehicle identification number on the policy or a commercial policy that is subject to adjustment by audit for vehicle changes at the end of the policy period.

(3) 'Lapse' means one or more days upon which the records of the department do not reflect that a motor vehicle was covered by a policy of minimum motor vehicle insurance coverage.

(4) 'Minimum motor vehicle insurance coverage' means minimum coverage as specified in Chapter 34 of Title 33.

(5) 'Proof of minimum insurance coverage' means the receipt from an insurer by the department of notice of such insurance coverage by electronic transmission or other means approved by the department.

(6) 'Terminate' or 'termination' means actual cessation of insurance coverage after the date upon which coverage will not be restored for any reason, including without limitation cancellation, nonrenewal, and nonpayment of premium and without regard to whether such cessation was preceded by any extension or grace period allowed by the insurer.

(b)(1) After receipt of notification of coverage termination, if the department does not, on or before the effective date of such termination, receive notice from an insurer that new minimum motor vehicle insurance coverage for such motor vehicle has been issued, the department shall send a notice to the owner of the motor vehicle stating that the department has been informed of the fact of the coverage termination and informing the owner of the penalties provided by law. The department shall send such notice to the address of the owner of the motor vehicle shown on the records of the department. The mailing of such notice by the department to the address of the owner of the motor vehicle as shown on the records of the department shall be deemed conclusively to be notice to such owner of such owner's duty to maintain the required minimum insurance coverage and the possible penalties and consequences for failing to do so and shall be deemed to satisfy all notice requirements of law and no further notice to the owner shall be required for the suspensions and revocations provided for in this Code section.

(2) It shall be the duty of the owner of such motor vehicle to obtain minimum motor vehicle insurance coverage and it shall be the duty of the owner's insurer to provide proof of such coverage to the department within 30 days of the date of such notice, pursuant to the requirements of subparagraph (b)(1)(A) of Code Section 40-5-71. If the vehicle is covered by a fleet policy, the owner's insurer shall not be required to provide such proof to the department by electronic means.

(c)(1) When proof of minimum motor vehicle insurance coverage is provided within the time period specified in this Code section, but there has been a lapse of coverage for a period of more than ten days, the owner shall remit a \$25.00 lapse fee to the department. Failure to remit the lapse fee to the department within 30 days of the date ~~on which the notification was mailed by the department~~ of such notice will result in the suspension of the owner's motor vehicle registration by operation of law as if the proof had not been provided in a timely manner as provided in paragraph (2) of this subsection. If any lapse fee provided for in this Code section is paid to the county tax commissioner, the county shall retain \$5.00 thereof as a collection fee.

(2) If proof is not provided within the time period specified in this Code section that minimum motor vehicle insurance coverage is in effect, the owner's motor vehicle registration shall be suspended immediately by operation of law by the department. When such proof is provided and the owner pays a \$25.00 lapse fee and pays a \$60.00 restoration fee, the suspension shall terminate; provided, however, that the commissioner may waive the lapse fee and restoration fee for any owner whose vehicle registration has been suspended pursuant to this paragraph who provides proof of continuous minimum motor vehicle insurance coverage. If any restoration fee provided for in this Code section is paid to the county tax commissioner, the county shall retain \$10.00 thereof as a collection fee.

(3) In the event of a second suspension of the owner's registration under this Code section on or after December 1, 2003, during any five-year period, the department by operation of law shall suspend the motor vehicle registration. ~~When for a period of 90 days. After the 90 day suspension period and when~~ proof is provided that minimum motor vehicle insurance coverage is in effect and the owner pays a \$25.00 lapse fee and pays a \$60.00 restoration fee, the suspension shall terminate.

(4) In the event of a third or subsequent suspension of the owner's registration under this Code section on or after December 1, 2003, during any five-year period, the department by operation of law shall revoke the motor vehicle registration. ~~When and no new application for registration shall be accepted for a period of six months after such revocation. After six months from the date of revocation and when~~ proof is provided that minimum motor vehicle insurance coverage is in effect and the owner pays a \$25.00 lapse fee and pays a \$160.00 restoration fee, the owner may apply for registration of the motor vehicle.

(d)(1) The commissioner may waive the lapse fee for any owner whose vehicle registration has been voluntarily canceled pursuant to Code Section 40-2-10.

(2) Upon being presented with a copy of official orders or other satisfactory proof of ordered duty as approved by rule or regulation of the commissioner showing that an

owner of a motor vehicle was deployed outside the continental United States on active military duty in the armed forces of the United States at the time his or her minimum motor vehicle insurance coverage for such vehicle terminated, the county tag agent shall waive the lapse fee and restoration fee, suspension of the owner's motor vehicle registration under this Code section shall terminate, and application for registration of the vehicle which otherwise satisfies requirements provided by law may be accepted without delay.

(e) The commissioner may promulgate such rules and regulations as are necessary to implement this Code section.

~~(f) The department shall commence suspending motor vehicle registrations as provided in this Code section on December 1, 2003. The department shall commence requiring payment of lapse fees and restoration fees as provided in this Code section on January 1, 2004~~ Reserved.

(g) The county tax commissioner shall have the authority to waive a lapse fee if sufficient proof is provided that no actual lapse in coverage occurred. This proof must be retained by the county tax commissioner for audit purposes.

(h) Notwithstanding any provision of law to the contrary, a person on active military duty in the armed forces of the United States whose motor vehicle is registered in this state and has license plates from this state and who, as a result of his or her military duties or assignment, is required to reside in another state may meet the requirements for minimum motor vehicle liability coverage by purchasing such coverage in amounts equal to or greater than the minimum coverages required by Georgia law and providing proof of such coverage to the department. In such cases, the motor vehicle shall continue to be registered and licensed in this state as long as it otherwise meets the requirements of law."

SECTION 3.

Said title is further amended in Article 7, relating to administration and enforcement of registration and licensing of motor vehicles, by adding a new Code section to read as follows:

"40-2-168.

Owners of a taxicab or limousine, prior to commencing operation in this state, shall, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and the payment of an annual registration fee of \$25.00, be issued a distinctive license plate by the commissioner. Such distinctive license plate shall be designed by the commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued, upon payment of fees required by law, in the same manner as provided for general issue license plates. Such license plates shall be transferred from one vehicle to another vehicle

134 of the same class acquired by the same person in the same manner as provided in Code
135 Section 40-2-42. The transition period shall commence upon the effective date of this
136 Code Section and conclude no later than December 31, 2009, for all existing registrations.
137 For all existing registrations, except during the owner's registration period as provided in
138 Code Section 40-2-21, the commissioner shall exchange and replace any current and valid
139 registration and license plate at no charge to the owner."

140 **SECTION 4.**

141 This Act shall become effective upon its approval by the Governor or upon its becoming law
142 without such approval.

143 **SECTION 5.**

144 All laws and parts of laws in conflict with this Act are repealed.